

Kerala Gazette No. 14 dated 3rd April 2012.

PART I



GOVERNMENT OF KERALA

Abstract

ENVIRONMENT DEPARTMENT—MANAGEMENT OF BIOMEDICAL WASTES IN THE STATE—
RECOMMENDATIONS OF THE PUBLIC ACCOUNTS COMMITTEE (2008-2011)—
IMPLEMENTED—ORDERS ISSUED

ENVIRONMENT (A) DEPARTMENT

G. O. (Ms.) No. 04/12/Env. *Dated, Thiruvananthapuram, 13th March 2012.*

- Read:—* 1. 58th Report of the Public Accounts Committee (2006-08) of the Kerala Legislative Assembly.
2. 146th Report of the Public Accounts Committee (2008-2011).
3. Letter No. PCB/TAMS/14/09 dated 24-11-2011 of the Member Secretary, Kerala State Pollution Control Board.
4. G. O. (Rt.) No. 06/12/Env. dated 9-12-2011.
5. Letter No. IO-3/2008-HSMD dated 4-8-2010 from the Joint Secretary, Ministry of Environment & Forests, Government of India.

ORDER

The Bio Medical Wastes (Management and Handling) Rules, 1998 (BMW Rules) issued by the Government of India under the Environment (Protection) Act, 1986 came into effect on 20-8-1998. It is mandatory that every occupier/operator of bio-medical waste generating establishment shall have an authorization to function. The State Pollution Control Board is the prescribed Authority to enforce the rules. The Public Accounts Committees of the Kerala Legislative Assembly in its 58th and 146th reports have made very important recommendations for the effective administration of the rules and to streamline the procedure for handling collection, transportation and disposal of bio-medical wastes with the objective of avoiding any adverse effect on human health and environment. Government have carefully considered the recommendations and issue the following orders for strict compliance by all concerned.

2. It is estimated that about 11000 MT of bio-medical waste is generated in the state per annum. There is chance for a good portion of the pathogenic wastes finding its way to the Municipal Solid Wastes and water bodies posing grave health hazards. In order to ensure that Bio Medical wastes do not mingle with the Municipal Solid Waste and contaminate water bodies, it is ordered that;

(i) (a) All ‘occupiers’ as defined in the Bio Medical Wastes (Management and Handling) Rules, 1998 shall register with the Kerala State Pollution Control Board. Occupier in relation to any institution generating bio-medical wastes means hospitals, nursing homes, clinical dispensaries, veterinary institutions, animal houses, pathological laboratory, blood bank by whatever name called, who has a control over that institution and/or its premises.

(b) Those occupiers who are yet to register with the State Pollution Control Board shall register with the Board within three months from the date of this order.

(ii) The Local Self Government Institutions shall insist for production of the authorization/registration certificate issued by the Kerala State Pollution Control Board for licensing or granting permission to any ‘occupier’ and shall not permit any such institution generating bio-medical wastes to function, without the authorization/registration certificate of the Kerala State Pollution Control Board.

(iii) The Local Self Government Institutions, shall enforce the enabling provisions of Chapter XX of the Kerala Panchayati Raj Act, 1994 and Chapter XV of the Kerala Municipalities Act, 1994 in the matter of registration of hospitals and ensure that the bio-medical wastes are properly segregated and disposed of as per the Bio Medical Wastes (Management and Handling) Rules, 1998, and no such waste are collected, transported or disposed of as Municipal Solid Wastes.

(iv) The Kerala State Pollution Control Board shall ensure that no Health Care Establishments (HCE) regardless of strength or number of patients and other ‘occupiers’ are permitted to function without authorization/registration by the Board, and securing disposal facilities as per rules and guidelines governing bio-medical wastes.

(v) No ‘occupier’ shall be permitted to carry on with the activities beyond the initial trial period if allowed, without regularization. All units issued with provisional authorization shall be inspected within the validity period of provisional authorization and the authorization regularized or cancelled as the case may be.

(vi) The Kerala State Pollution Control Board shall issue or renew the authorization to all registered institutions requiring payment of fees, promptly so that the Board will not suffer revenue loss on that account, and bio-medical waste generating units do not function without proper arrangement for disposal of the wastes.

(vii) All Government Health Care Establishments shall register with the Kerala State Pollution Control Board availing the 90% rebate in fee for registration. Government Health Care Establishments generating bio-medical wastes shall make arrangements as per the rule for safe disposal of the wastes. Funds provided under budgetary allocations or HDS/HDC for bio-medical waste disposal shall be fully and properly utilized. Government Health Care Establishments shall be provided with regular financial support for implementation of bio-medical wastes collection, treatment and disposal as stipulated in the rules. Health & Family Welfare Department may provide necessary budget assistance to Government Health Care Establishments under their Rent, Rate & Taxes or other appropriate budget heads for the mandatory payments for disposal of bio-medical wastes.

(viii) (a) In the letter read above, Government of India (Ministry of Environment & Forests) has informed about the new schemes with central assistance for Common Bio-Medical Waste Treatment and Disposal Facilities (CBWTF). The Pollution Control Board is authorized to get applications for setting up of Common Bio-Medical Waste Treatment and Disposal Facilities and to recommend eligible cases for subsidy. The target may be that there is at least one Common Bio-Medical Waste Treatment and Disposal Facilities for two districts (seven in all).

(b) Common incinerator facility shall be installed in all the CBWT facilities.

(ix) Deep burial method of bio-medical wastes disposal shall not be permitted. The authorities concerned shall see to it that alternative methods are adopted in all such cases.

(x) (a) The Pollution Control Board shall vitalize monitoring of Health Care Establishments. Norms for regular inspection should be fixed to ensure compliance with rules and consent conditions. If there is paucity in engineering category, the Board may as an internal arrangement utilize the services of offices in the scientific category as well, in cases where no engineering aspects are involved. Comprehensive inventory of Health Care Establishments shall be

prepared and updated and effective steps shall be taken to enforce the rules and to ensure that bio-medical wastes do not mix up with other streams of wastes, and are disposed of scientifically. The records related to administration of the rules shall be maintained properly in all unit offices, and shall be inspected by higher authorities of the Board. The Board shall also make it sure that the Advisory Committee relating to the implementation of the rules is convened as provided in the rules, and verify that the Common Bio-Medical Waste Treatment and Disposal Facilities function properly without causing any pollution problems. The Health Care Establishments shall be insisted to constitute Waste Management Committees to monitor, review and analyze the wastes management practices. Annual Reports required to be submitted by the Health Care Establishments shall be obtained, consolidated by the Pollution Control Board and submitted to the Central Pollution Control Board and Government, without fail.

(b) The District Medical Officers should form a sub-committee including representatives of Pollution Control Board and local body for monitoring the waste management activities in the Health Care Establishments under their jurisdiction, and to ensure remedial action.

(xi) The Pollution Control Board shall take stringent action against the ‘occupiers’ who do not register with the Board. Those Health Care Establishments including Government institutions which do not follow the statutory provisions on handling and disposal of the bio-medical wastes generated in such Health Care Establishments, may be proceeded against as per Law. Penal provisions/measures for closure may be invoked in cases of non-compliance with Bio-Medical Wastes (Management and Handling) Rules, to ensure compliance by the ‘occupiers’.

(xii) (a) Government also order that bio-medical wastes being a reservoir of potentially harmful micro-organisms which can infect hospital patients, health care personnel and general public, also capable of causing injuries, poisoning and pollution, management thereof shall be as an integral part of health care activities. Management including scientific disposal of bio-medical wastes in accordance with the rules therefore shall get the topmost priority in the management of solid wastes. A regular system shall be created in all Health Care Establishments generating bio-medical wastes, to monitor and inspect the status of management of such wastes generated in the Health Care Establishments. Functioning of the system shall be reviewed in the inspections being conducted by departmental authorities in the Health Care Establishments.

(b) More training programmes on the Bio-medical Waste (Management & Handling) Rules for the benefit of those concerned with the implementation of waste management facilities in Health Care Establishments shall be conducted, and awareness materials in Malayalam detailing the type of containers to be used for segregation of Bio-Medical Waste and treatment options shall be distributed by the State Pollution Control Board.

(3) The Public Accounts Committee in the report read as second paper has observed that the implementation of Bio-Medical Wastes Rules in the State is very poor, as a result of the low priority assigned by the Pollution Control Board in enforcing compliance with the rules, and expressed concern that a major portion of the bio-medical wastes generated in the State is being disposed of without proper segregation and treatment, there could be disastrous consequences to the health of the general public due to possible contamination of the environment by toxic and infectious wastes. Government order that the Pollution Control Board and Local Self Government Institutions shall take stringent action as per the Environment (Protection) Act, 1984, Kerala Panchayati Raj Act, 1994, Kerala Municipalities Act, 1994 and other enabling legal provisions to strictly arrest the illegal practices and to bring the erring institutions under the regulatory regime of the Bio-Medical Wastes (Management and Handling) Rules.

(4) (i) The Local Self Govevunent Institutions concerned shall collect and dispose of any non-bio-medical solid wastes (MSW) from hospitals.

(ii) The officer having the legal authority to oversee or control/regulate the management of wastes generated in Health Care Establishments in the State will be personally responsible for making the Health Care Establishments, under his/her jurisdiction adhere to the statutory provisions on management of wastes generated by the Health Care Establishments.

(5) The Director of Health Services will make available copies of this order to all District Medical Officers and the Director of Panchayat and Urban Affairs to all Grama Panchayats and Municipalities.

By order of the Governor,

JAMES VARGHESE,
Principal Secretary to Government.

To

The Secretary, Kerala Legislative Assembly, Thiruvananthapuram (with covering letter).

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.

The Chairman, Kerala State Pollution Control Board, Thiruvananthapuram.

The Member Secretary, Kerala State Pollution Control Board, Thiruvananthapuram.

The Director, Directorate of Health Services, Thiruvananthapuram.

The District Medical Officer, Thiruvananthapuram.

The Director, Animal Husbandry Department, Thiruvananthapuram.

The Director, Ayurveda Medical Education Department, Government, Ayurveda College, Thripunithura/Thiruvananthapuram/Pariyaram, Kannur.

The Director, Homoeopathic Department, Thiruvananthapuram.

Government Homoeopathic Medical College, Kozhikode /Thiruvananthapuram.

The Director, Indian Systems of Medicine, Thiruvananthapuram-I.

The Registrar, Kerala Veterinary and Animal Sciences University.

The Managing Director, Kerala Health Research & Welfare Society, Red Cross Road, Thiruvananthapuram-35.

The Director, Regional Cancer Centre, Thiruvananthapuram.

The Director, Regional Institute of Ophthalmology, Thiruvananthapuram.

The Director, Urban Affairs Department, Thiruvananthapuram.

The Director of Panchayats, Thiruvananthapuram.

The Secretary, Corporation of Thiruvananthapuram/Kollam/Kochi/Thrissur/Kozhikode.

The Director, Public Relations Department.

The Secretary, Indian Medical Association, Thiruvananthapuram.

All Municipalities (through Director of Urban Affairs)

All Grama Panchayats (through Director of Panchayats)

The Health & Family Welfare Department.

The Local Self Government Department.

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